BUSINESS AND COMMERCE CODE

TITLE 10. USE OF TELECOMMUNICATIONS

SUBTITLE B. ELECTRONIC COMMUNICATIONS

Chapter 328, consisting of Secs. 328.001 to 328.003, was added by Acts 2023, 88th Leg., R.S., Ch. 169 (S.B. 58), Sec. 1.

For another Chapter 328, consisting of Secs. 328.001 to 328.003, added by Acts 2023, 88th Leg., R.S., Ch. 96 (S.B. 1639), Sec. 1, see Sec. 328.001 et seq., post.

CHAPTER 328. ONLINE SALE OF GOODS

Sec. 328.001. DEFINITION. In this chapter, "goods" has the meaning assigned by Section 17.45.

Added by Acts 2023, 88th Leg., R.S., Ch. 169 (S.B. 58), Sec. 1, eff. September 1, 2023.

Sec. 328.002. PROHIBITIONS CONCERNING SALE OF GOODS ONLINE. (a) For commercial purposes, a person may not sell, use, or cause to be used any technology, device, or software in the sale of goods on an Internet website that:

(1) functions as a bypass in the purchasing process;

(2) disguises the identity of the purchaser;

(3) permits the purchase of a quantity of goods in a number that exceeds the maximum number of goods that may be sold to one purchaser as specified by the seller or operator on the website;

(4) allows for the unauthorized access to or identification of gift card information, including gift card numbers and gift card personal identification numbers; or

(5) circumvents a security measure, access control system, or other control, authorization, or measure in the purchasing process.

(b) This section does not apply to the seller of goods on the Internet website or to the operator of the Internet website.

Added by Acts 2023, 88th Leg., R.S., Ch. 169 (S.B. 58), Sec. 1, eff. September 1, 2023.

Sec. 328.003. ENFORCEMENT BY ATTORNEY GENERAL; INJUNCTION. (a) The attorney general may investigate a claim that a person

violated this chapter.

(b) If the attorney general believes that a person is violating this chapter, the attorney general may bring an action in the name of the state to restrain or enjoin the person from violating this chapter.

(c) The attorney general is entitled to recover all reasonable costs of bringing an action under this section, including court costs, reasonable attorney's fees, and investigation costs.

Added by Acts 2023, 88th Leg., R.S., Ch. 169 (S.B. 58), Sec. 1, eff. September 1, 2023.